

Weil, Gotshal & Manges LLP

BY ECF

767 Fifth Avenue
New York, NY 10153-0119
+1 212 310 8000 tel
+1 212 310 8007 fax

Jonathan D. Polkes
+1 212 310 8881
jonathan.polkes@weil.com

July 16, 2021

Hon. John P. Cronan
United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Chad Lindsey Moshell v. Sasol Ltd., et al.*, Case 1:20-CV-01008 (JPC) (S.D.N.Y.)

Dear Judge Cronan:

We write on behalf of Defendants Sasol Limited, David Edward Constable, Bongani Nqwababa, Stephen Cornell, Paul Victor, and Stephan Schoeman (collectively, “Defendants”) in the above-referenced action. Defendants respectfully request leave, under Rules 4(B) and 6(A) of this Court’s Individual Rules and Practices in Civil Cases, to file—and to do so under seal—Defendants’ Motion to Certify the Court’s July 7, 2021 Opinion and Order for Interlocutory Appeal and to Stay Further Proceedings Pending Appeal (“Motion to Certify”). The Motion to Certify asks this Court to certify its July 7, 2021 Opinion and Order for interlocutory appeal under 28 U.S.C. § 1292(b) because it “involves a controlling question of law as to which there is substantial ground for difference of opinion” and “an immediate appeal from the order may materially advance the ultimate termination of the litigation.” The Motion to Certify also asks the Court to stay further proceedings in this action pending the resolution of the Motion to Certify and any appeal that results.

The Motion to Certify includes quotations from the Court’s July 7, 2021 Opinion and Order currently filed under seal [ECF No. 146]. The Court asked the parties to submit proposed redactions in compliance with the Court’s previous guidance by July 21, 2021 [*See id.*]. Defendants therefore propose to file the Motion to Certify under seal pending the Court’s approval of the parties’ proposed redactions to the July 7, 2021 Opinion and Order, and thereafter Defendants will request redactions to the Motion to Certify as needed.

Accordingly, in continued compliance with the Court’s previous orders, and with *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006) and other authorities, Defendants respectfully request that they be permitted to file the Motion to Certify and be permitted to do so under seal pending the Court’s approval of the parties’ proposed redactions to the July 7, 2021 Opinion and Order.

Hon. John P. Cronan, U.S.D.J.
July 16, 2021
Page 2

Weil, Gotshal & Manges LLP

Respectfully submitted,

/s/ Jonathan D. Polkes

Jonathan D. Polkes

cc: All counsel of record (by ECF)

Defendants' request is granted. Defendants may keep their Motion to Certify the Court's July 7, 2021 Opinion and Order for Interlocutory Appeal and to Stay Further Proceedings Pending Appeal ("Motion for Interlocutory Appeal") under seal until the Court publicly files the July 7, 2021 Opinion and Order after receiving the parties' proposed redactions on July 21, 2021.

Plaintiffs shall file their opposition to Defendants' Motion for Interlocutory Appeal by August 2, 2021. Defendants' reply, if any, is due by August 9, 2021.

The Court's July 7, 2021 Opinion and Order directed the parties to file a revised proposed scheduling order by July 30, 2021. In light of Defendants' Motion for Interlocutory Appeal, the Court extends the deadline to file the revised proposed scheduling order to August 9, 2021.

SO ORDERED.

Date: July 19, 2021

New York, New York



JOHN P. CRONAN
United States District Judge